

**Town of Garner  
Town Council Summary  
July 7, 2015**

The Town Council met in regular session at 7:00 P.M. on Tuesday, July 7, 2015 in the Council Meeting Room

**A CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams**

Mayor Williams, Mayor Pro Tem Marshburn, Council Members Johns, Behringer and Singleton. Council Member Kennedy arrived at 7:30.

**B PLEDGE OF ALLEGIANCE: Council Member Johns**

**C INVOCATION: Council Member Johns**

**D PETITIONS AND COMMENTS - NONE**

**E ADOPTION OF AGENDA**

Motion: Marshburn  
Second: Johns  
Vote: Unanimous

**F PRESENTATIONS**

1. Proclamation for Parks and Recreation Month  
Presenter: Mayor Pro Tem Marshburn

The Proclamation was presented to Sonya Shaw, Parks Recreation and Cultural Resources.

2. Main Street National Accreditation for 2015  
Presenter: Council Member Kathy Behringer and John Hodges, Assistant Town Manager - Development Services

The accreditation certificate was be presented to the Garner Revitalization Association Board of Directors and Downtown Development Manager, Mari Howe.

3. Recognition of Neighborhood Organization, Village of Aversboro, Jeff Swain  
Presenter: Reginald Buie, Neighborhood Improvement Manager

**G CONSENT**

1. Ordinance Adopting No Parking Zones

This ordinance will designate an area at McCormick Street between US 70 West and Mechanical Boulevard and Drexmere Street between US 70 West and McCormick Street as "No Parking."

Action: Adopt Ordinance No. (2015) 3776

2. Resolution Authorizing Wake County to Collect Property Taxes

This Resolution gives the Wake County Revenue Administrator authorization to levy and collect real or personal property taxes on behalf of the Town of Garner.

Action: Adopt Resolution No. (2015) 2254

3. Resolution to Declare Surplus Property

This Resolution authorizes staff to declare the 2006 Freightliner FC80/Tymco 600 Street Sweeper as surplus property to be sold through on-line auction or state surplus.

Action: Adopt Resolution No. (2015) 2255

4. Ordinance amending FY 2015 – 2016 Fee Schedule

There are two updates to the approved fee schedule that need to be made. (1) In updating the fee schedule for the repeal of the privilege license ordinances, the Town removed from the Fee Schedule all privilege license related fees. However, despite the repeal of the license authorization, several categories of business activity are located in different sections of the State statutes, and therefore those permit charges remain intact (and should not have been removed from the schedule). These are as follows: Itinerant Merchant (\$100), Peddlers on Foot (\$10), Peddlers with Vehicle or Farm Products Only (\$25), Precious Metal Dealers initial permit (\$180) and renewal (\$3), and Taxi Cab Permits (\$15 per vehicle).

Action: Adopt Ordinance No. (2015) 3777

5. Wake County Tax Reports

The Wake County Board of Commissioners has approved non-cash rebates for the month of April 2015.

Action: Approval of Tax Releases

6. Contract Extension for Town Legal Services for FY 2015 - 2016

An extension of the contract for William E. Anderson to provide legal services to the Town is presented to the Council annually. Services to be rendered are based on a retainer of \$7,000 per month for an estimated average of sixty-three hours per month, unless other arrangements are required on a particular case or assignment.

Action: Authorize Execution of Contract Extension

Motion: Singleton  
Second: Johns  
Vote: Unanimous

H PUBLIC HEARINGS

1. Conditional Use Permit Application, CUP-SP-15-10, El Toro II  
Presenter: Jenny Saldi, Planning Department

Adelfo Flores is requesting permit approval for a restaurant to be located at 3600 Junction Boulevard near the northwest corner of Tryon Road. The 1.97 acre site is zoned Service Business, Conditional Use (SB C20).

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

Action: Find Application Complete and In Compliance; Approve Permit Subject to: 1) Prior to issuance of a building permit, the fire flow test with data shall be submitted to the Fire Inspector for review and approval and 2) Prior to issuance of a certificate of occupancy, the public sidewalk easement, for the sidewalk along Junction Blvd, shall be recorded.

2. Conditional Use District Zoning, CUD-Z-15-02, Subdivision Modification, CUP-SB-15-02  
Presenter: Brad Bass, Planning Director

Bass Nixon and Kennedy is requesting to rezone 16 acres of land located at 601 New Rand Road and a modification of CUP-SB-15-02, Preakness Place Subdivision. The Planning Commission recommends approval of the rezoning request and the conditional use permit modification subject to site specific conditions.

Action: Find rezoning application, CUD-Z-15-02 reasonably complies with the Town's Comprehensive Growth Plan *and is* reasonable and in the public interest because it will likely allow the development of an appropriate density of housing in the area in which it is located; Adopt Ordinance (2015) 3778

Motion: Singleton  
Second: Johns  
Vote: Unanimous

Action: Find Application Complete and In Compliance; Approve Permit Subject to: 1) The applicant shall obtain permit approval from the Corps of Engineers allowing minor encroachments into wetlands prior to construction plan submittal, 2) Prior to construction plan submittal, the fire flow test with data shall be submitted to the Fire Inspector for review and approval, 3) The off-site sewer easement required by the City of Raleigh shall be recorded prior to construction plan approval, 4) Written acknowledgement from the property owner to the south of Lot 13 that their driveway will be relocated shall be received prior to recordation of the first final plat, 5) Annexation petition shall be submitted prior to recordation of the first final plat and 6) Homeowner's Association and Restrictive Covenants documents shall be submitted to the Town of Garner Planning Department prior to first final plat recordation, and 7) A fee-in-lieu of parkland dedication shall be paid to the Town of Garner.

Motion: Singleton  
Second: Marshburn  
Vote: Unanimous

3. Conditional Use Permit Application, CUP-SP-15-12, Panera  
Presenter: Jenny Saldi, Planning Department

Greenberg Farrow is requesting permit approval for a restaurant to be located on Outparcel B of the White Oak N.W. subdivision located at US 70 and Jones Sausage Road. The Planning Commission recommends approval subject to site specific conditions.

Action: Find Application Complete and In Compliance; Approve Permit Subject to: 1) Prior to issuance of a building permit, the fire flow test with data shall be submitted to the Fire Inspector for review and approval.

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

4. Special Use Permit Application, SUP-SP-15-04, Fairfield Inn  
Presenter: Jenny Saldi, Planning Department

Aiken and Yelle Associates are proposing a Fairfield Inn to be located at 1504 US 70 West, formerly the Golden Corral site. The Planning Commission recommends approval subject to site specific conditions.

Action: Find Application Complete and In Compliance; Approve Permit Subject to: 1) Prior to submittal of a building permit, the 5 foot landscape easements on property to the east and west shall be recorded, 2) The required evaluation/study of sewer capacity for this project shall be completed prior to

application for building permit, 3) Prior to issuance of a building permit, the fire flow test with data shall be submitted to the Fire Inspector for review and approval, 4) Prior to issuance of a building permit, evidence of coordination with adjacent restaurant to provide continuous access for their business shall be submitted to the Planning Department, 5) Construction traffic shall be restricted to the northeast drive, off Mechanical Blvd, to prevent conflicts with adjacent restaurant and hotel traffic, and 6) A separate site plan shall be required for Tract 2 at which time parking, public utility and unity of development requirements will be evaluated.

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

## I OLD/NEW BUSINESS

1. Ordinance Repealing the Privilege Tax License and Other Outdated Business Regulatory Ordinances  
Presenter: William Anderson, Town Attorney

The North Carolina General Assembly has repealed the statutory authority relating to municipal privilege licenses and fees. This ordinance repeals those fees and other ordinances that are outdated or no longer needed.

Action: Adopt Ordinance No. (2015) 3779

Motion: Kennedy  
Second: Behringer  
Vote: Unanimous

2. Unified Development Ordinance Text Amendment UDO-14-02, Solar Farms and Accessory Solar Systems  
Presenter: David Bamford, Planning Department

This Ordinance will allow Solar Farms as a classification in the Table of Permissible Uses as well as performance standards to control and minimize impacts to adjoining properties. The Planning Commission recommends adoption of this Ordinance.

Action: Adopt Ordinance No. (2015) 3780

Motion: Singleton  
Second: Marshburn  
Vote: Unanimous

3. Unified Development Ordinance (UDO) Text Amendment UDO-15-01, YMCA  
Presenter: Brad Bass, Planning Director

This is a request from the YMCA to amend the Unified Development Ordinance (UDO) Use Table to allow the "Other Community Service" land use category in both the MF-1 and MF-2 zoning districts subject to a special use permit.

Action: Adopt Ordinance No. (2015) 3781

Motion: Singleton  
Second: Behringer  
Vote: Unanimous

4. Resolution Regarding New Bethel Church Road Bridge Replacement  
Presenter: Hardin Watkins, Town Manager

This Resolution sets forth the Town's request to NC Department of Transportation's Coordination and Planning Cooperation for the Planned New Bethel Church Road Bridge Replacement.

Action: Adopt Resolution No. (2015) 2256

Motion: Marshburn  
Second: Johns  
Vote: Unanimous

5. Resolution to Reaffirm Support of the Orange Route Proposed for I-540  
Presenter: Hardin Watkins, Town Manager

This Resolution is to reaffirm support of the orange route proposed for I-540. The orange route has been the officially adopted "protected corridor" for this project for 21 years, and as such, has been protected from development and preserved for this purpose. The schedule for this project calls for approval of the final environmental impact statement in the spring of 2016, and the publication of the record of decision three months after issuance of the final Environmental Impact Statement.

Action: Adopt Resolution No. (2015) 2257

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

6. Resolution Setting Forth the Town of Garner's Pledge to the YMCA of Garner  
Presenter: Hardin Watkins, Town Manager

The YMCA of Garner is requesting that the Town agree to contribute \$20,000 a year for the next 5 years toward the YMCA of Garner capital campaign. The first payment would start in December 2015 with subsequent payments in December of future years.

Action: Adopt Resolution No. (2015) 2258

Motion: Singleton  
Second: Behringer  
Vote: 4-0 (Council Member Kennedy recused himself because of his position on the YMCA Board of Directors)

7. Town Limit Signs Acknowledging 2015 Garner Magnet School State Basketball Championship

The Manager report (#4) details a request to place this achievement on the Town's entry signs.

Action: Move Forward as Recommended by Staff; Language to state: "Home of the 2015 4-A State Boys Basketball Champions"

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

## K MANAGER REPORTS

1. Garner info
2. Zoning and Sign Enforcement
3. Building Permit Activity
4. Regarding acknowledgement of the Garner Magnet School State Basketball Championship, the Planning Department reported both of the Town's entry signs on Highway 70 (401 split & Raynor Rd. locations) can be completed within 10 days of order – they are vinyl graphics on aluminum and the old signs can be repurposed. Therefore, there will be no charge for either sign. The sign at Centennial is routed PVC and can be changed to aluminum to facilitate future changes at minimal cost. The cost for this new sign is \$250 and will take 4 weeks for fabrication and installation. The signs to be replaced at Centennial will be declared surplus and offered to Scotty McCreary and Arlie Honeycutt as mementos. Council direction is needed to approve the exact language: "Home of the 2015 4-A Boys State Basketball Champions" has been proposed by the Planning Department. Funds are available and staff will be directed to proceed with this project immediately once language is authorized. (See #7 under old/new business for action).

## L ATTORNEY REPORTS

## M COUNCIL REPORTS

### Mayor ProTem Marshburn

- Great event on July 3<sup>rd</sup>; thanked the Police Auxiliary for Volunteering.
- Commended Parks Recreation and Cultural Resources on the recent Accreditation.
- Asked if the sewer installation at Buffalo Road was proceeding on schedule.
- A recent report of wildlife under a citizens residence and said it might be helpful for the Town. to have a resource and contact information of any agencies that can assist.

### Council Member Behringer

- Asked when the contract will be executed for the mowing on US 70. Mr. Watkins said he will ask Mr. Dickerson to provide a response tomorrow.
- Asked again about the installation of a small picnic shelter near the Dog Park and the Garner Senior Center.

### Council Member Johns

- The "for sale" sign is still located on the Town's property at 323 Montague Street.
- The ditch in front of that address needs to be cleaned.

### Council Member Singleton

- Thanked all staff involved in the very successful July 3 event.
- According to a recent newspaper article, Wake County Schools has removed the proposed renovations at Vandora Springs Elementary School, likely requiring a new bond referendum. Construction of Bryan Road Elementary School has been pushed back one year if not two. He still wants to meet with Wake County Public School officials to discuss Council's position on school construction in Garner. Mr. Watkins said he is still working with schedules of officials from WCPSS to set that meeting. Mr. Bass said as of two weeks ago the Bryan Road Elementary School was still on go.
- Asked status of recently approved storm water projects. Mr. Hodges will provide an update to the Council.
- Requested the bronze sign dedicating Garner Recreational Park in 1982 to be cleaned.

Mayor Williams called a recess at 9:50.

- N      CLOSED SESSION: N.C. General Statutes Section 143-318.11(a)(6) to discuss “the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee.”

Motion:            Behringer  
Second:            Johns  
Vote:                Unanimous

The Council returned to regular Session. Mayor Pro Tem Marshburn said no specific action is being taken at this time.

Motion:            Singleton  
Second:            Behringer  
Vote:                Unanimous

- O      ADJOURNMENT: 11:10

Motion:            Kennedy  
Second:            Behringer  
Vote:                Unanimous